

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Monday, January 12 7:00 p.m. 20<sup>09</sup>

## CALL TO ORDER

1. The meeting was called to order at 7:00 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. Melvin Lindberg, retired pastor.
3. All present recited the Pledge of Allegiance.

## ROLL CALL:

4. Mr. Revoldt: Clerk, would you call the roll please?

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Revoldt, and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, City Engineer Benekos, Director of Economic Development Bowles, Superintendent of Utilities, Services and Recreation Chufar, Chief Grimes, Operations Manager of Park and Water Distribution Hill, Lt. Wurgler, and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes: December 8, 2008.  
Financial Statement: November, 2008.  
Mayor's Court Receipts: November and December, 2008.

Mr. Revoldt: You have for your consideration minutes of the Council Meeting from December 8, 2008; a Financial Statement of November and Mayor's Court Receipts from November and December 2008. Are there any corrections or amendments to those minutes and statements?

Mr. Snyder moved and Mrs. Kiesling seconded to **approve minutes of the council meeting, financial statement and mayor's court receipts as presented.** All members present voting:  
Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.  
No: 0

6. Committee Minutes

Mr. Revoldt: You also have for your consideration Committee Minutes for the executive sessions for Personnel & Safety held on January 5<sup>th</sup> and January 6<sup>th</sup>, 2009; and for our regular Committee Minutes Finance & Property; Ordinance, Rules & Claims; Street & Alley; Water, Sewer & Rubbish all held on January 5<sup>th</sup>. Are there any corrections or amendments? Seeing none may I have a motion to approve?

**Executive Session:** Please refer to the minutes on file in the Council Office of the Executive Session meeting held January 5, 2009 and January 6, 2009.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 5, 2009.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 5, 2009.

**Street & Alley Committee:** Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 5, 2009.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 5, 2009.

Mr. Davies moved and Mr. Foltz seconded to **approve the executive session and committee report minutes** as presented. All members present voting:  
Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.  
No: 0

## RECOGNITION OF VISITORS:

7. Mr. Revoldt: We are now at the point of our meeting for the Recognition of Visitors and the first visitor that I would like to recognize is Michael Chadsey who is the Northeast...Ohio Regional Liaison for Auditor of State, Mary Taylor.

Mr. Benekos: Did you guys sign that?

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Mr. Revoldt: Michael, please step forward to the microphone and welcome.

Mr. Chadsey: Great, thank you.

Mr. Benekos: E.J. to sign.

Mr. Revoldt: Good to see you.

Mr. Chadsey: You too. Please excuse my cold this evening. As the councilman mentioned my name is Mike Chadsey and I am the Northeast Ohio Regional Liaison for Auditor Taylor's office based out of Canton. I do apologize that Auditor Taylor could not be here this evening so you are stuck with me. But I will be brief so you may get back to the business at hand.

Mr. Benekos: Thank you.

Mr. Chadsey: My reason for attending this evening is to present the "Making Your Tax Dollars Count" award to the city of North Canton for fiscal year 2007. That would be the audit that was done in '08 for the fiscal year of '07. It's important to note that this award is only given to a very select group of folks. Fewer than 5% of all entities in the state of Ohio eligible - are even eligible for this award of the roughly 5,000 entities from governor's office down to the smallest township, university, schools, parks, less than 5% are even eligible for the award. To receive this award this evening, a entity must complete and submit a Comprehensive Annual Financial Report often referred to a CAFR within six months of the end of the fiscal year, have a clean audit with no findings for recovery, material citations, material weakness, sufficient deficiencies, single audit findings or questionable costs, meaning it's got to be as perfect as you can get it or have no other financial concerns. The award is for all city of North Canton employees who worked on the audit and work in the city. And I'd like to present it to the Director of Finance this evening and I commend you on your hard work and wanted to thank you for your efforts.

Mr. Wise: Excellent.

Mr. Zumbar: Thank you very much.

Mr. Revoldt: Thank you very much Mike.

Mr. Chadsey: Thank you.

Mr. Revoldt: Thank you Alex, pretty nice.

Mr. Zumbar: Nice plaque.

Mr. Benekos: Speech.

Mr. Revoldt: Is there anyone else who wishes to address the council at this time? Mr. Osborne.

Mr. DeOrion: You're right.

Mrs. Kiesling: What'd I win?

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. On December 8, 2008, this council body voted on legislation authorizing a lease of The Fairways of North Canton to R & S Properties, Inc. The legislation, Ordinance No. 119-08, was passed on an emergency and passed with a unanimous vote of council. The original term of the lease with R & S Properties was for a three year period with provisions to extend the lease for two three-year periods. Under the terms of the lease, the lessee is to pay rent totaling 100,000 per year as well as monthly payments to the city to cover annual property taxes totaling \$49,311.74. The lease also requires for the lessee to pay a benchmark of 80,000 per year of capital improvement investment pursuant to Exhibit B. My comments tonight are in regards to line items detailed in Exhibit B. Exhibit B details seventeen areas for capital expenditures and is a budget for capital expenditures over each year of the nine years of the lease. The areas listed for capital improvements itemized in Exhibit B are the following: Carpet, Paint, Bar and Flooring, Tee Program, Air Conditioning & Heating, Cart Paths, Kitchen Equipment & Coolers, Clubhouse Roof Repair, Out Buildings Roofing, Parking Lot, Pool Paint, Fence & Gas Tanks, Pavilion Removal, Basketball Courts, Sidewalks, Course Equipment, and Golf Carts. There is a dollar amount budgeted for the various areas over the term of the lease. Expenditures for many of the areas noted above are worthwhile capital improvements and are certainly needed given that capital improvements were ignored by the previous lessee. Two of the areas listed in Exhibit B are highly questionable. I am at a loss as to how Course Equipment and Golf Carts can be considered capital improvements. The budgeted amount for Course Equipment and Golf Carts represents seventy-two percent of the total \$89,000 budgeted for capital improvements for 2009. If one were to recalculate the percentage each of those two line items represent using the benchmark of \$80,000 required by Article 4.1.1 of the lease, the percentage increases to nearly eighty percent of the required benchmark. Why there is a conflict - there is a conflict within the lease and in itself is unexplainable. Exhibit B details an

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annual capital improvement budget figuring - figure averaging 89,000 per year while Article 4.1.1 of the lease mandates an \$80,000 benchmark figure. The conflict between the budgeted figures in Exhibit B and the stipulated benchmark figure stated in the lease introduces confusion and...ambiguity. It is not very hard to satisfy the required benchmark of \$80,000 per year of capital improvement investment when one includes business expenses of the lessee in the tally of expenditures. Allowing credit for business expenses toward the benchmark of \$80,000 per year of capital improvement investment pursuant to Exhibit B undermines the very purpose of requiring the lessee to make capital improvements while in possession of the property. A footnote included in Exhibit B describes the capital improvements listed in Exhibit B as, and I quote, "...the ongoing commitment for modification and improvements made by the lessee for the benefit of the lessor." How are the profit motivated business...expenditures of a private business of any benefit to the taxpayers of North Canton? Article 1.6 of The Fairways lease defines Capital Improvement as and I quote, "...the addition of a permanent structural improvement or the restoration of some aspect of a property that either enhances the property's overall value or increases its useful life as recognized under generally accepted accounting principles." Crediting lease payments for Course Equipment at 24,500 per year and lease payments for Golf Carts at \$39,000 per year as Capital Improvements does not satisfy the very definition stated in Article 1.6 in The Fairways lease. In the year nine of the lease, the budgeted expenditures of 75,000 for Course Equipment and Golf Carts is eighty-five percent of the average yearly expenditure of 89,000 budgeted in Exhibit B. If one calculates the budgeted expenditure of 75,000 in year nine of the lease for Course Equipment and Golf Carts against the benchmark of 80,000 per year of capital improvement investment pursuant to Exhibit B, those two...expenditures alone qualify for nearly ninety-four percent of the required benchmark required by the lease. In other words, those two business expenditures alone, which are not capital expenditures, will qualify for nearly all of the capital improvements required by the lease with no actual capital improvements being made on the property. What was the purpose in creating this illusion that the City of North Canton is actually receiving \$80,000 of Capital Improvements when in reality it is all smoke and mirrors and puffery. The true level of capital improvements made under the budget figures detailed in Exhibit B is about \$20,000 per year. Why not report the actual capital improvements that the lessee would be required to make under the lease? Capital improvements that meet the very definition under the lease? Capital improvements that truly address maintenance of the facility and the infrastructure. In news coverage of The Fairways lease, the press has reported that R & S Golf Properties is to spend at least 80,000 per year on capital improvements to the property. City officials who have given this information to the press have used the media to mislead the public. How sad for the North - for taxpayers of North Canton. The cat is out of the bag. The citizens of North Canton know that the purchase of Arrowhead was not a prudent decision. Ownership of Arrowhead is a financial burden on the city. No amount of spin or misinformation will change that. Was there a deliberate plan to dress up this new lease and make something appear that really is not there? Who is responsible for...misrepresenting the merits of the lease? Maybe council members should have looked over Exhibit B and questioned whether leasing Course Equipment and leasing Golf Carts qualify as capital improvements. Oh, I forgot, the legislation had to be passed on an emergency. I guess there was no time for questions since council and the administration was dealing with an emergency. But there was time for fabricating creative financing of capital improvements by city leaders. Taxpayers and the public can only hope city leaders will do better on the next piece of legislation passed on an emergency. I have a copy of the Exhibit B lease. I have created what they call a common-size analysis; basically you're attaching a percentage to each of those line items to see what percentage they make up of the total budget for that year. There is an error on Exhibit B...

Mr. McFarren: Well as long as they meet...

Mr. Osborne: one of the columns do not total your - I will point that out after the meeting. I would ask that this Exhibit B be restructured...

Mr. McFarren: now they have to meet ...

Mr. Osborne: to truly reflect capital improvements that benefit the community and maintain the facility over there. Leasing golf carts are business expenses of the lessee.

Mayor Held: Popcorn.

Mr. Benekos: Excuse me.

Mr. Revoldt: That's what exactly what it is, it's my stomach.

Mr. Osborne: I - also there needs to be some reconciliation between the - the benchmark that's been pegged at 80,000 a year and the actual budget in Exhibit B which averages 89,000 a year. It's going to get very confusing as to whether they're meeting their requirements or not. Thank you.

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Mayor Held: Can I comment?

Mr. Revoldt: Mayor, you have a comment?

Mayor Held: Yes. I – I'd like to address Mr. Osborne's comments. I appreciate Chuck that you come up and share your opinion, but I'd just like to clarify what the administration's position is on this. It was a part of the purchase of the Arrowhead Country Club, at the time it was called Arrowhead back when I was serving as the city administrator and it was the council and the mayor's decision at that time to move ahead with the purchase of Arrowhead. Even though I didn't have a vote at that time, I thought that it was a good idea; I still think that it's a good idea. We did spend \$4.2 million on that but I think that it was a good move for the city. They're not making any more land in the city of North Canton. It's 105 acres, beautiful – 105 beautiful acres right in the heart of our city and I think that years down the road we'll see that it was a good move. You know, I equate it similar to the city of New York, Central Park. When the city of North – when the – New York City is struggling financially they don't consider selling Central Park and certainly I would not support or consider selling the Arrowhead Country Club. And when we look at the – which is now called The Fairways, but when we look at the – the lease, it – it's a tough – it – it is a very difficult space to lease out. But what we have are the same individuals that were in there managing this for the past five years are now once again...

Mrs. Kiesling: It's still a half a year?

Mr. DeOrio: It's not, it's their...

Mayor Held: they're managing this lease and so...

Mrs. Kiesling: Why do we have...inaudible...

Mr. DeOrio: We haven't ...inaudible...

Mayor Held: I – I support it and I support the Finance Director and the City Administrator...

Mrs. Kiesling: Why did they put us in the...

Mr. DeOrio: I don't know.

Mayor Held: and Councilman Snyder who negotiated the lease, I thought they did a nice job. That's all.

Mr. Osborne (from audience): Well that was not my point.

Mr. Revoldt: Chuck.

Mr. Osborne (from audience): You're misrepresenting business...inaudible...

Mr. Revoldt: Mr. Osborne. Mr. Osborne. Please. Thank you. If you'd be kind enough to provide Mrs. Kalpac with a copy of your remarks I would appreciate it. Does council have any response to Mr. Osborne? Are there any other comments from the – for – Mr. McFarren? Thank you.

Mr. McFarren: Chuck as usually you're – you stating your opinion when you know full well what the circumstances are since you...you and I discussed this matter at length in my office some time ago. You are right in – in that there is a disparity between the concept of capital improvements as defined in the contract and in – and what is shown in the exhibit. The exhibit was a negotiated situation between the city and the operators of the course. They wanted to guarantee that they had some longevity in this lease and they wanted to guarantee that they got some credit for the money that they put into this situation. We did not want to get into a constant squabble about what is a capital improvement and what is a business operating situation. So instead of that, it's like going to a restaurant where it's a fixed price menu. You pick the things off the menu and as long as it adds up to \$80,000 a year, we're happy. Could the number be 20? Yes, if you did your – if you did your strict interpretation and rightfully so of capital improvements, you could – you could knock this thing down to 20 grand a year if you want to. But that's the way it is. You leased – we have a guarantee that they're going to put this level of funding in it and if they don't, they won't get a lease renewal. It's just that simple. They have an interest in – in having a profitable business, the city has an interest in having a tenant who will generate enough income to stay in business and take care of the place so that they don't destroy our asset. So the exhibit is a negotiated deal and that's the way it is. We could've – we could've still been going 'round and 'round about this thing, we'd still be negotiating this and probably not have a resolution. What we said to them is, what are you going to put in, when are you going to do it, and as long as you come up with this dollar figure, we're happy. That's how it came about.

Mr. Osborne (from audience): Can I respond?

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Mr. Revoldt: I don't believe I granted you permission to speak yet. I'm thinking about it because I may want to speak too, if I might and then you may want to respond to both of us. But since you're at the microphone, go ahead.

Mr. Osborne: All I'm saying is whatever you negotiated has to meet the terms of your lease. If you define capital improvements as being this, then you can't include a laundry list of other items that don't comply with that definition. You're misrepresenting 80,000 a year. The taxpayers are only realizing, in effect, \$20,000 of capital improvements per year. Why didn't you just say 20,000 a year? You're puffing it up and saying we're getting \$80,000 worth of capital improvements to the facility when you're including for the bulk of that figure, operating expenses. The leases that they're paying for to obtain golf carts on a year by year basis, and grass cutting equipment for the greens. Just be honest. If all you could negotiate was \$20,000 a year for paint, carpet, and roofing and air conditioning, then – then be honest with it and say that – that's what we were able to negotiate. Don't pad it with another 65,000 or 80,000 a year and say hey, looky here, we're getting 80,000 a year worth of improvements. Just be honest, that's all. Thank you. And I won't come back up again Daryl. Thank you.

Mr. Revoldt: Thank you Mr. Osborne. Alright, is there anyone else who wishes to address the council? Yes ma'am.

Mrs. Baughman: I wanted to give you an update on the – oh, you need my name.

Mr. Revoldt: We do.

Mr. Foltz: Yes.

Mr. Revoldt: Just go ahead and read it into the record.

Mrs. Baughman: Okay, Miriam Baughman, 320 Weber Avenue. I want to give you an update on the Income Tax Assistant Program. You remember last month the Program Director came to speak and Daryl offered council chambers for two days for the program. Okay, today Earle hung a informational poster downstairs so when you go out maybe you can all look at it. They're nice informational posters. I took them around to nine local churches, to the Goodwill Store, to the library, and several businesses. So hopefully the word will get out to our people in North Canton that are eligible for the program.

Mr. Davies: My understanding, she already has a couple appointments.

Mrs. Baughman: Oh does she? Good. Okay.

Mr. Foltz: Alright, thank you.

Mr. Revoldt: Thank you. Yes ma'am.

Mrs. Kiesling: This is about DARE.

Mrs. Harper: My name is Helen Harper.

Mr. Revoldt: Helen, right at the microphone if you would please.

Mrs. Harper: I've been a resident here, my family, since 1960, and I'm very proud to live in North Canton. My concern is this DARE Program. Don't let it go. The DARE Program means so much to the children here. Officer Mike is a very good teacher, the children look forward to him – to his classes. He teaches about drugs is definitely a no-no. Smoking. Drinking. He's a very good influence and I know some of you have children that go to schools around here and perhaps you understand my concern. Please, don't let it disappear. And I have something written down here I'd like you to think about. Penny-wise; proud – pound-foolish. We have low crime in North Canton. Why? Because we've had this DARE Program for over 13 years. So think about that for awhile. Please don't let our kids rot in prison so forth and so on. Be proud of North Canton. By the way, the maintenance crew this weekend was right on the ball. Once you get in North Canton, you're safe. Now my granddaughter, she would like to tell you how much DARE means to her. This is Kaylin Harper. Speak right in here.

Mr. Revoldt: Welcome. Go ahead.

Kaylin Harper: Hello.

Mr. Revoldt: Hello.

Mr. DeOrio: Hello.

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Kaylin Harper: I took DARE this year and it was a really good program and I just graduated, here's my certificate. And I just need to say that I learned a lot from DARE. I learned about drugs, tobacco, marijuana, alcohol, and a lot of things about it.

Mrs. Harper: That's fine. I didn't put...

Mayor Held: Very good.

Mr. DeOrio: Thank you.

Mrs. Harper: any words in her mouth, I told her to speak – speak of her feelings.

Mr. Revoldt: She did great.

Mayor Held: Very good.

Mrs. Harper: Thank you.

Mr. Revoldt: Thank you. And you're in which grade now?

Kaylin Harper: Fifth.

Mr. Revoldt: Great. And what school?

Kaylin Harper: Portage, across the street.

Mr. DeOrio: That's Montessori.

Mayor Held: Montessori.

Mrs. Harper: Montessori, across the way. Thank you.

Mr. Revoldt: Okay, great. Well thank you for coming up, you did a very nice job. Is there anyone else who wishes to address the council at this time?

Mr. Davies: ...you working on?

Mr. Revoldt: Last call for Recognition of Visitors.

## OLD BUSINESS

8. Mr. Revoldt: Seeing none then lets move on to Old – New Business.

## NEW BUSINESS

9. Mr. Revoldt: May I have a motion to read by title only first reading Ordinance 1-09.

Mr. Davies and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 1-09. All members present voting:

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

**Ordinance No. 1-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Mayor of the City of North Canton to enter into professional services agreement for the design of the Well #10 Raw Waterline Project, at a cost not to exceed \$300,000 and declaring the same to be an emergency.

Mr. Davies: This ordinance, as it says, would allow for the design of the raw waterline from Well #10 which is in the Oster Property and we need to get this up and running and start pumping water out of there. So I would move that we adopt it.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 1-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 1-09?

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for the Ordinance No. 1-09. All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

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Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 1-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 1-09. All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

10. Mr. Revoldt: Item 10. A motion to read by title only first reading Ordinance No. 2-09?

Mr. DeOrio and Mr. Davies seconded to **read by title only the first reading** of Ordinance No. 2-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.

No: 0

**Ordinance No. 2-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the Willoway Storm Sewer Rehabilitation Project, in an amount not to exceed \$1,100,000 and declaring the same to be an emergency.

Mr. Revoldt: Jeff.

Mr. Davies: As this states, we're going to rehabilitate the Willoway storm sewer. It's eroding away; it's going to be relined. My understanding is we did get a grant for this, did we not? Last year...

Mayor Held: Yes we did.

Mr. Davies: the money's already been allocated, so I would move that we adopt.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 2-09. All members present voting.

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 2-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 2-09. All members present voting.

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 2-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 2-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

11. Mr. Revoldt: Item 11. A motion to read by title only first reading Ordinance No. 3-09.

Mr. Davies and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 3-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

**Ordinance No. 3-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the Tim Avenue NW and Kevin Street NW Waterline Replacement Project, at a total cost not to exceed \$240,000 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Mr. Chairman, may I arise to the privilege of a question?

Mr. Revoldt: You may.

Mr. Snyder: Thank you. To the Engineer, I'd like to know. Did we determine the age...

Mr. Foltz: Yes.

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Mr. Snyder: of that line and the size of it...  
Mr. Foltz: Yes.

Mr. Snyder: or we have not determined that?  
Mr. Benekos: Yes we did, but I forgot.

Mr. Snyder: Oh, it must've been old.

Mr. Benekos: I believe it was 1970's.  
Mr. Snyder: Okay.

Mr. Foltz: That - that's correct 'cause you talked to Gail. 'Cause I brought the question up in committee last week and...

Mr. Benekos: That's right, okay.  
Mr. Snyder: Okay.

Mr. Foltz: Eight inch line?  
Mr. Benekos: Yes.

Mr. Snyder: Okay.

Mr. Revoldt: So we've got an eight inch that's - that's really only given us forty years of service?

Mr. Foltz: Correct.

Mr. Revoldt: What is the composition of that line? Is it ductile or is it concrete or is it...

Mr. Benekos: It's cast iron.

Mr. Revoldt: cast iron?

Mr. Benekos: Yeah.

Mr. Foltz: That's not the usual - that's not the usual...

Mayor Held: Pre-cast

Mr. Foltz: life span we get out of cast iron, is it?

Mr. Benekos: No, we usually get a little bit longer life...

Mr. Zumbar: Fifty years.

Mr. Benekos: but there have been a lot of repairs out there and they have poor water quality. There's a manufacturer out there that uses the water in his process and he's brought that to our attention that every time some - the water gets stirred up in the line he has problems with his machinery so.

Mr. Revoldt: Okay. May I have a motion to adopt - are there any other questions or comments?

Mr. Zumbar: I'd like to know what's been keeping them...

Mr. Revoldt: Seeing none then, may I have a motion to adopt the first reading of Ordinance 3-09?

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 3-09. All members present voting.  
Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.  
No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 3-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 3-09. All members present voting.  
Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.  
No: 0



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Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance No. 3-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 3-09. All members present voting.

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

12. Mr. Revoldt: Item 12, a motion to read by title only first reading Ordinance No. 4-09?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only the first reading of** Ordinance No. 4-09. All members present voting:

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

**Ordinance No. 4-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the Pershing Avenue Waterline Replacement Project, from Schneider Street to Hower Street, at a total cost not to exceed \$450,000 and declaring the same to be an emergency.

Mr. Davies: This a waterline replacement project among the many that we're doing in the city to – to refurbish the waterlines. I have a question. My understanding it was to go from Bachtel to Hower. Or are we going all the way from Schneider?

Mr. Benekos: There's a – there's a small section from Bachtel south; and I forget the next cross street...

Mr. Wise: Summit.

Mr. Davies: Summit.

Mr. Benekos: Summit that has been completed, but from Summit down to Schneider needs to be replaced also.

Mr. Davies: Okay, so you are going to go all the way from Schneider to Hower.

Mr. Benekos: Correct.

Mr. Davies: And then from East Maple to Hower there is a grant that's going to pick up part of this, is that not correct? EDP or something?

Mr. Benekos: No, we – we looked at a CDBG grant for that section but we will not be able to get that.

Mr. Wise: That's not so good.

Mr. Revoldt: I have the power. What am I hitting?

Mr. Wise: Radioactive.

Mr. Davies: Okay, but this is, as I say, part of the ongoing. I know on Pershing, at least southeast, I know they were having rusty water problems and so forth...

Mayor Held: I think it's you.

Mr. Davies: so this'll take care of that.

Mr. Benekos: Correct.

Mr. Davies: So I would move that we adopt.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading of** Ordinance No. 4-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

Mr. Wise: It's a Geiger counter.

Mr. Zumbar: Radio active.

# RECORD OF PROCEEDINGS

0107

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, January 12 7:00 p.m. 20<sup>09</sup>

Mr. Revoldt: Motion to suspend the rules for Ordinance 4-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 4-09.  
All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.  
No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 4-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 4-09. All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.  
No: 0

13. Mr. Revoldt: Item 13, a motion to read by title only first reading Ordinance 5-09?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only the first reading** of Ordinance No. 5-09. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.  
No: 0

**Ordinance No. 5-09 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting a Perpetual Sanitary Sewer, Storm Sewer and Waterline Easement Agreement, being part of City Lot 5681, by and between the City of North Canton, an Ohio Charter Municipal Corporation, and Zablo & Sons Building Corporation, an Ohio Corporation and declaring the same to be an emergency.

Mr. Davies: This is as it states, simply granting an easement to Mr. Zablo & Sons Corporation over on Easthill, so they can connect to storm, sewer and water and so forth. And I would recommend that we adopt it.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 5-09. All members present voting.

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.  
No: 0

14. Mr. Revoldt: Item 14, a motion to read by title only first reading Ordinance 6-09?

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only the first reading** of Ordinance No. 6-09. All members present voting:

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.  
No: 0

**Ordinance No. 6-09 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to exercise the option to extend the existing contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court, for a period of one (1) year beginning January 1, 2009 and ending December 31, 2009 and declaring the same to be an emergency.

Mr. Revoldt: Jon.

Mr. Snyder: Thank you Mr. President. We have a perpetual contract with the Public Defender. This renews it, allows them to send it down to the Supreme Court and also to the State Public Defenders office for approval. And we've not had to use it in the past but it does provide coverage for any indigent citizen in the city.

Mr. Revoldt: Any other questions or comments? Seeing none then, a motion to adopt the first reading Ordinance 6-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 6-09. All members present voting.

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.  
No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 6-09?

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 6-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.  
No: 0

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, January 12	7:00 p.m.	20 <sup>09</sup>
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Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 6-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 6-09. All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

15. Mr. Revoldt: Item 15, a motion to read by title only first reading Ordinance 7-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only the first reading of** Ordinance No. 7-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

**Ordinance No. 7-09 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to enter into a Real Estate Purchase Contract for the purchase of the premises known as 1525 East Maple Street as set forth in Volume 4000, Page 406 of the Stark County Deed Records, at a cost not to exceed \$127,000 and declaring the same to be an emergency.

Mr. Revoldt: Jon.

Mr. Snyder: Mr. President, this primary purpose of purchasing this property known as the Luzio property is for wellhead protection which is just east of the ball fields on East Maple to make sure that nothing is built upon that property that would have a tendency to contaminate or compromise the well at East Maple. The other situation, it does relieve the parking in the summer time for the residents that are immediately in that area and for pedestrian as well as motor traffic on the both east and west on Maple Street. As any of you travel during - we have a very active Little League program there, there's not adequate parking. This will probably help provide that. The figure is all inclusive at 127.

Mr. Revoldt: Are there any other questions or comments regarding this transaction?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 7-09. All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 7-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 7-09. All members present voting.

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 7-09?

Mr. Davies moved and Mr. Foltz seconded to **adopt under the suspension of the rules** Ordinance No. 7-09. All members present voting.

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Snyder: Mr. President, if you wouldn't mind possibly pointing to the public and the press. This will be purchased with Water Funds. It's not purchased from the General Fund of the city of North Canton so it will have no affect on the overall...

Mr. Zumbar: ...culmination of textbook...

Mr. Snyder: day to day operations.

Mr. Revoldt: General Fund operations.

Mayor Held: No rush.

Mr. Snyder: Right. Okay. Any other questions or comments on our legislation this evening?

**REPORTS:**

Mr. Revoldt: Seeing none then let's go to Reports. Director of Law?

Mr. McFarren: None.

# RECORD OF PROCEEDINGS

0109

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 12

7:00 p.m.

20<sup>09</sup>

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Several things. First we have ruled essentially the year; we have worked with the Mayor on finalizing the numbers for the budget and you have the numbers and you have a draft that was given to you this evening. The tax forms will be going out within the next two weeks. They should be made available, we'll put them online. We have also obtained the VITA, the Volunteer Income Tax Assistance preparation information from downstairs off the poster so if folks do call in we can point them to the necessary individuals for additional help if they need assistance in preparing the taxes. We have received a down payment, the security deposit for the new lease with the golf course as well as the first month's installment. That concludes my report Mr. President.

Mr. Revoldt: Thank you. Director of Administration?

Mr. Wise: Yes. We have worked with the Finance Director on the draft budget. We – we did get some information this week and we're looking at it still. We may make some adjustments here before the committee meeting next Monday, it's my understanding, but we'll get that to you. Obviously this weekend there was a significant snow event. The crews were out at least three times and I think one of the times ran into each other so they were out most of the weekend or a good portion of the weekend. We are – we've changed up the plowing and – and some of the salting procedures. We're – we're confident that it is a more efficient way of doing it. It still needs some tweaking but we're working on that. One thing that we are doing much differently than what we were before is our use of salt. The main streets, the hills, and intersections get salted when they need it. The areas of roadway, the secondary roadway in between the intersections we are not salting. We have had some calls about that but when we...explained to the individuals what we're doing, what we're trying to do, most people have been accepting of that. We simply cannot afford to salt the way we used to salt and the street department has been doing a great job on that. We have had significant amounts of weather though, that have required us to salt. Even if there's not a lot of snowfall, if they do get snow covered with the cars driving on them, they do get very slick. And when we do get freezing rain which we've had at least three events of freezing rain this year, then we pretty much have to salt everywhere. That's just an issue of police getting around, the fire trucks and ambulance if they need be. But we are seeing some reduced salt usage. Again, it all depends upon the weather. We could – we could use half the salt each time we go out and go out more often and still use the same amount but it's just the – the way northeastern Ohio is and – but we are ...tweaking that process but to my understanding it's been going very well. Thank you.

Mr. Revoldt: Very good. Mr. Mayor?

Mayor Held: Yes, Mr. President, if – if you don't mind, we have Tom Chufar here, our Street Superintendent, and while we're on that subject if – as far as the street plowing, if – if we could just take a minute so that Mr. Chufar can explain the savings that we've had, for example on Saturday afternoon. Tom if you don't mind addressing that? Real quick?

Mr. Revoldt: Tom, would you please step forward to the microphone? Thank you.

Mayor Held: Tom, if you could explain like the gang plowing, and what we did differently this year...

Mrs. Kiesling: Yeah, I saw that.

Mayor Held: compared to what we've done in years past...

Mrs. Kiesling: Saw them gang plowing.

Mayor Held: and then also the – the salt reduction?

Mr. Chufar: Alright. Typically years past, we've had one group of trucks that was a typical gang plowing unit. They did all the main streets. We broke that down to five units. We have Applegate, east and west. We go from Glenwood to Schneider. We have a southern route that runs, you know, Main Street, Everhard, Easthill, Maple east and west. So between those five units, we're able to get all the main streets done in a lot quicker fashion. So at that point we're using a lot less salt because they're able to get all those open in one move. Otherwise we had one unit trying to get all those open while the other trucks were out in the neighborhoods. While some of those neighborhoods were not getting open because that gang plow group was trying to get all the mains open. Now we get the mains open fast, we've broken the rest of the neighborhoods down to 31 sections. And those 31 sections are broken down further yet by two trucks working each of those. So we have ten groups doing three sections each. So as soon as the mains are done with the primary five groups, they break down to the next ten, we get into the neighborhoods. We've broken those into the primary areas that are the schools, of course EMS, police department and fire. The – those things that are critical service areas first. Once those are done and open then we break into the other thoroughfare areas that help enable traffic to facilitate, for the buses obviously, and the other traffic that runs like Seventh Street and some of the other side streets of Woodside. You

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Held Monday, January 12 7:00 p.m. 20<sup>09</sup>

Know, the primary other road - roads such as Lindy Lane. Once those are opened up, we do have some cul-de-sacs that are last call because obviously they're not getting the amount of traffic so you will get some phone calls from people saying they just plowed everybody else around me but they didn't do my cul-de-sac. Well the reason why, you're on a cul-de-sac. You don't have a lot of traffic on your cul-de-sac but the rest of the streets do have most of that thoroughfare traffic so we try to enable that to make that, you know, the primary measure.

Mayor Held: And also Tom, there was a cost savings you said on Saturday, with the amount of salt?

Mr. Chufar: Yeah, Saturday alone we, you know, there's not an exact science to it, but typically with that amount of snow that we've had in years past we would've used approximately 400 ton, which is a lot of salt. We used half of that. We used 200 ton so breaking that down to the cost, we saved approximately \$21,600 in cost. That's at \$108 per ton. Not just that, but we also looked into the time management that it took to plow all that. With all of our workers, we had 19 hourly people in and we also had 5 exempt people, we're paid anyways so we got that job done. So between all 24 of us, working together, we got that job done in under 190 man hours which when we broke that down further yet it was I think 10.01 hours of actual plow - salt time 'til we had everything open, which was saving us about 4 hours complete. Instead of 14 man hours per, we're down to 10. So we saved approximately anywhere from 21 to \$30,000. That's a big difference.

Mayor Held: Very nice. Very nice. Good job.

Mr. Snyder: Great job.

Mr. Revoldt: I would concur, that's great.

Mr. Foltz: That's great.

Mr. Revoldt: That's exactly the kind of thinking we're going to need in - in this year and the following year as we look at our tasks. Good job. You - you don't get a lot of praise but you get - you get it...

Mr. Chufar: Everybody did it together.

Mr. Revoldt: you get it tonight. Thank you.

Mr. Foltz: Thank you Tom.

Mr. Davies: Yeah, thank you.

Mayor Held: Good job Tom. That's all.

Mr. Revoldt: Mr. Benekos?

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: No report.

Mr. Revoldt: Clerk?

Mrs. Kalpac: No report.

## REPORTS - COUNCIL:

Mr. Revoldt: Mr. Foltz?

Mr. Foltz: I wanted to thank the administration for the work they did do over - with the summer - excuse me, the winter snow we had Saturday and just one general statement. North Canton is known for their - their services, they're known for their snow and salt process through the winter months and even with the cost savings here I don't think we suffered in that respect. I think we still are right at the top as far as what we offer our constituents and unfortunately we as council members get calls about somebody plowed in a driveway apron or plowed over our sidewalk we just salted but that's the unfortunate nature of the game. You know, it's not that the operators that are driving the - the snowplows, trucks and the salt spreaders are trying to do that, they just need to be efficient with their work and it's unfortunate, but I don't think there's a way around it. But I'd rather error on the side of cleaning our streets than - than not getting the job done and - and not having traffic be able to get down our side streets to our main arteries so I wanted to compliment the administration and Tom on - on a good job. Thank you.

Mr. Revoldt: Mr. Davies?

Mr. Davies: I heartily agree with what Doug said. I got calls from my constituents about plowing in driveway aprons but there is just no other way around it if you want clean streets. I - I wish there were but there isn't. A reminder that February 10<sup>th</sup>, 7:00, Civic Center is the - is our third Town Meeting, specifically to discuss the Performance Audit done by the State of

# RECORD OF PROCEEDINGS

0111

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 12

7:00 p.m.

20<sup>09</sup>

Ohio. If you'd like to read the Performance Audit, if you've not had a chance, it is on the council's page. I don't know if you've gotten it on the – the first page of the website, but it is on the council page and we have the actual audit that you can download as a PDF file. So if you have access to a computer, you can get on there and - and read the audit before the meeting. That's it.

Mr. Revoldt: Mr. DeOrio.  
Mr. DeOrio: No report.

Mr. Revoldt: Mrs. Kiesling?  
Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.  
Mr. Snyder: Thank you Mr. President. I have been requested by members of the Finance Committee for me to hold a Finance Committee meeting which we will do. In the spirit of the Sunshine Law we will publicize that. We will discuss the budget as presented to us and look it over and I know they have some recommendations which we will marginalize and we will discuss it as a complete council right after that so that, as I say, to keep this...inaudible... we'll have the clerk notify and post the time and where it'll be. So there'll be the members of the committee there. They have some things they – they've thought of individually they'd like to have considered so I will make marginal notes on this budget that we have and then we'll submit it, to complete council for consideration. That's all.

Mr. Revoldt: Okay, very good. Monday, January 19<sup>th</sup> is Martin Luther King's Day and in observance we would like to change our council meeting to Tuesday, January 20<sup>th</sup>. That is a Committee of the Whole meeting. Are there any objections to moving from Monday to Tuesday? Seeing none, I'd like to have a motion to do that.

Mr. Foltz moved and Mr. Davies seconded to **change the date of the Committee of the Whole meeting from Monday, January 19, 2009 to Tuesday, January 20, 2009 in observance of Martin Luther King Day.** All members present voting.  
Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.  
No: 0

## FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: Is there anyone else who wishes to address council before we adjourn this meeting? Mrs. Burnett, please step forward to the microphone.

Mrs. Burnett: I'll be very brief.

Mr. Revoldt: Very good.

Mrs. Burnett: I'm Suzie Burnett and I live at The Danbury in North Canton on Applegrove Street. I can see you clearly. I have contact lenses that do everything. And I can hear you beautifully because your microphones are working and you're using them. Thank you. Amen.

Mr. Revoldt: Amen. So you can hear me and it's not just static coming from the president's chair, right?

Mrs. Burnett (from audience): That's good. Yes, you must remember to talk into a microphone.

Mr. Revoldt: Very good. Before we do adjourn, I would like to acknowledge the presence of some Central Catholic's students with – with us this evening. Joe Moore, Joe where are you? Are you here? Devon Hearst. Elizabeth Oakey and Elizabeth Anderson all with us. Who is your teacher over there? Mrs. Morrison? Shock. She is the great, great government teacher at Central Catholic and if you report that to her, you will receive an A. Alright? So just tell her that she is the greatest Central Catholic government teacher in the school's history. Alright? Very good. You got an A. If I can move to a little more serious note here. You know, one of the prerogatives of the city council president is first of all he does not have to eat supper so that means his blood sugar's low and at 8 – 7:55 he can be just a little testy and have an explanation for it. With high school students tonight, I regrettably, not regrettably, I strongly disagree Chuck, with your characterization of how this Arrowhead lease; this Fairways lease was put together. As the Law Director indicated, this was, students, a negotiated leased – lease. It was not imposed on the tenant. We had one party that we were negotiating with. One bidder. And unfortunately, had we had a competitive situation perhaps we might have had a different outcome. We did not. The fact of the matter is what you heard tonight was what I think, truly mars public dialogue in this country. It's not particularly...inaudible...here and as you move through Columbus to Washington it gets generally nastier. And it really

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disrupts civil discord. And let me quote for you, no amount of spin or misinformation. Who is responsible for misrepresenting the merits of the lease? For the creative fabrication of financing of capital improvements? This is the kind of corrosive mischaracterization that lends itself to just unwarranted cynicism in our government. It's corrupting. It's awful. You got a little taste of it tonight. That's not how we do business around here. Mr. Osborne had access to every municipal official prior to that lease. He had access to the documents at the time they were adopted. If someone walked through that door who'd never been here, I wonder what kind of question, what they would think of us, as a community that's working very hard to get back on its feet after Hoover left. Spin, misinformation, misrepresentation, creative fabrication, it's a pretty heavy indictment on public discourse.

Unidentified: Developmentally disabled.

Mr. Revoldt: It's not how it works. It doesn't have to be that way, it doesn't work here. So when you go back to Mrs. Morrison, you can tell her that -- what you heard tonight. But I want you to take back one other thing and I've said it before, I defend Mr. Osborne's right to his opinion. You notice that he spoke without interruption, without abuse, and he will walk from that chair to his car unmolested. That is a First Amendment right and we defend it here in this room.

## ADJOURN:

Mr. Revoldt: With that, I will take a motion to adjourn.

Mr. Davies moved and Mr. DeOrio seconded to **adjourn** the meeting.

All members present voting.

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Meeting adjourned at 7:59 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

1/23/09 ev